Remarks/Arguments

Claims 2, 3, 9,11-24 remain in this application. Claims 25 and 26 have been added.

Claims 2, 3, 9, 11,12,14-16 and 21-24 have been rejected under 35 USC 102(b) over Pouletty et al. Applicant disagrees.

The claims make clear the present invention uses a porous membrane as its starting material. Area(s) of nonporous material are created in the porous membrane as taught by the specification of the present invention and the rest of the areas of the porous membrane remain porous.

This is quite unlike that of the cited reference which uses a porous filter and then applies a nonporous tape applied to portions of the top surface of the filter. The nonporous tape is not a part of the porous filter but is a separate and distinct layer on selected top portions of the porous filter. The filter below the tape however is still porous.

The cited reference fails to teach each and every element of the claims, e.g. a using a porous membrane having nonporous areas formed in it, and as such it fails to anticipate the current claims.

Claims 2, 3, 9, 11, 12 and 14-24 have been rejected under 35 USC 102(b) over Moya et al. Applicant disagrees.

The Office Action suggests that Figure 14 shows top patterned porous sheets and a layer of non-porous material disposed between the two porous patterned surfaces. Applicant disagrees. The reference teaching forming porous areas in an otherwise non-porous substrate, the exact opposite of the present claimed invention which uses a porous substrate such as a membrane and then has nonporous areas formed in it. Likewise the embodiment of Figure 14 doesn't teach the present

invention. As described in Column 10, lines 3-19, two layers of nonporous material 80, 86 having porous domains 82 and 88 formed in them are placed on either side of a nonporous substrate 92. The porous domains contain a solvent for the substrate 92 which solvent is also a non-solvent for the layers 80, 86. The solvent is transferred to the nonporous substrate 92 in domains 98. The solvent then is allowed to form porous areas in an otherwise nonporous structure and is then processed to remove the solvent and set the porous structure. Nowhere does it teach or suggest a porous membrane having nonporous areas formed in selected areas of the porous structure as is claimed in the present invention.

The Office Action also states that the reference uses porous material in the form of ovals. Applicant disagrees. The drawings of Figure 14 show circular designs as do those of Figures 15 and 16. The ovalular shape that may be what the examiner is referring to appears to be an artifact of the drawing perspective.

The Office Action states the "porous membrane is made of PVDF." The cited portion relates to the nonporous structure (film or sheet) that can then have porous areas formed in at least a part of its depth. There is no porous membrane per se.

Likewise the Office Action states the surface is surface modified before the formation of the porous/nonporous areas. The cited section relates to the formation of the porous areas in the nonporous structure. It fails to teach the surface modification before the formation of the porous/nonporous areas.

The Office Action states the surface can be modified after formation of the porous areas in a nonporous structure. Again Applicant disagrees. The cited section relates to use of the device. reagents are introduced and used to control the movement of the sample in the porous areas. It does

not teach to one of ordinary skill in the art any means for modifying the surface of the membrane structure as is claimed. Moreover the Office action states that the reagents serve as charged coatings. There is nothing in the reference that teaches this aspect to one of skill in the art. Nor is such a teaching inherent in the cited text. Rather it is silent on the issue. The reagents are not taught to form any surface coating, nor are they described in any detail to know whether they use charge, philic/phobic, ligand or receptor based or some other mechanism. As such the cited section fails to anticipate the claims.

Claims 2, 3, 9, 12. 14 and 16 are rejected under the doctrine of obviouness-type doubling patenting. Applicant is willing to file a suitable terminal disclaimer upon an indication of allowance of these claims. .

Claim 13 has been amended as suggested in the Office Action to overcome the objection.

Reconsideration and allowance are respectfully requested in view of the foregoing amendment and remarks.

Respectfully submitted,

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